

23-cv-02171

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Voyager Digital Holdings, Inc., et al., Debtors

UNITED STATES OF AMERICA, ET AL., Appellants,
v.

VOYAGER DIGITAL HOLDINGS, INC., ET AL., Appellees

ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**NOTICE OF EMERGENCY MOTION AND MOTION BY APPELLANTS UNITED
STATES OF AMERICA, ET AL., FOR A STAY PENDING APPEAL**

PLEASE TAKE NOTICE that upon the within motion and accompanying memorandum of law, Damian Williams, the United States Attorney for the Southern District of New York and Justice Department official William K. Harrington, the United States Trustee for Region 2 (together, the “Government”) will and hereby do move this Court on an expedited basis, pursuant to Federal Rule of Bankruptcy Procedure 8007, for an order staying pending appeal the bankruptcy court’s March 8, 2023, order (the “Confirmation Order”) confirming the chapter 11 plan of Voyager Digital Holdings, Inc. and its affiliated Debtors (collectively, “Voyager” or the “Debtors”)¹ [Dkt. No.² 1157³]. For the reasons set forth in the accompanying memorandum of

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Voyager Digital Holdings, Inc. (7687); Voyager Digital Ltd. (N/A); and Voyager Digital, LLC (8013). The location of the Debtors’ principal place of business is 33 Irving Place, Suite 3060, New York, NY 10003.

² “Dkt.” refers to the docket numbers in bankruptcy court, Case No. 22-10943.

³ On March 10, 2023, the Court entered a corrected order. [Dkt. No. 1166].

law, the Government respectfully asks this Court to enter an emergency stay of the Confirmation Order pending appeal.

PLEASE TAKE FUTHER NOTICE that the Government respectfully asks this Court, pursuant to Bankruptcy Rules 8007 and 8013, to enter an emergency stay pending appeal of the Confirmation Order. To the extent the Court will entertain oral argument on this request, the Government respectfully requests such argument be heard so that this application can be decided no later than 5:00pm on Monday, March 17, 2023, when the current stay of the Confirmation Order expires. Pursuant to Bankruptcy Rule 8013(d)(2)(A), the declaration of Assistant U.S. Attorney Lawrence Fogelman is submitted herewith setting out the nature of the emergency.

All grounds for the motion were submitted to the bankruptcy court, but as described in more detail in the accompanying memorandum, it has denied relief such that relief from this Court is necessary. Bankruptcy Rule 8007 expressly provides that this Court may stay a bankruptcy court order pending appeal when such a stay was first sought from the bankruptcy court. Fed. R. Bankr. P. 8007(b)(2)(B). That is the case here. The Government moved for a stay in the bankruptcy court on March 7, 2023 at the conclusion of the confirmation hearing⁴ and by motion on March 14, 2023.⁵ The bankruptcy court declined to stay the Confirmation Order.⁶ By agreement between and among the Government, the Debtors and the Unsecured Creditors Committee, the stay was further extended through 5:00 p.m. on March 20, 2023. The Government thus seeks relief from this Court.

⁴ The bankruptcy court denied a 14-day stay, and instead, provided a six day stay through the Monday following the confirmation hearing. Following the confirmation hearing, the Government met with counsel for the Debtors, whereby the parties agreed to an extension of the stay through Wednesday, March 15, 2023.

⁵ See Expedited Motion for Stay Pending Appeal Pursuant to Federal Rule of Bankruptcy Procedure 8007 [Dkt. No. 1182].

⁶ See Decision and Order Denying the Government's Motion for a Stay of the Confirmation Order Pending Appeal. [Dkt. No. 1190].

As required by Bankruptcy Rule 8013(d)(2)(C), the e-mail addresses, office addresses, and telephone numbers of moving counsel and opposing counsel are:

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March 17, 2023
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Respectfully submitted,

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